

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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U.S. DISTRICT COURT
DISTRICT OF MASS.

WILLIAM RYAN and JOHN J. SHAUGHNESSY,
as they are TRUSTEES, INTERNATIONAL UNION
OF OPERATING ENGINEERS LOCAL 4 HEALTH
AND WELFARE, PENSION AND ANNUITY FUNDS,
and LOUIS G. RASETTA and CHRISTOPHER
BARLETTA, as they are TRUSTEES, HOISTING AND
PORTABLE ENGINEERS LOCAL 4 APPRENTICE
AND TRAINING FUNDS and INTERNATIONAL
UNION OF OPERATING ENGINEERS, LOCAL 4,
Plaintiffs,

vs.

MKM SITE DEVELOPMENT CORP.,
Defendant.

C.A. No. 03-12248 RWZ

**AFFIDAVIT OF GINA ALONGI AS TO
MILITARY SERVICE, INFANCY AND INCOMPETENCE**

1. My name is Gina Alongi. I am the Administrator of the International Union of Operating Engineers Health and Welfare and Pension Funds.

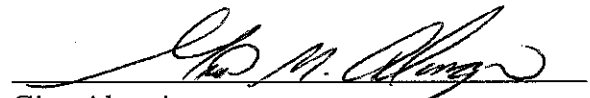
2. I make this affidavit pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act.

3. I have caused careful investigation to be made to ascertain whether MKM Site Development Corp., the above-named defendant, is within the military service of the United States, and have concluded on the basis of such investigation that it is not.

4. I have also caused careful investigation to be made to ascertain whether MKM Site Development Corp. is an infant or incompetent person, and have concluded on the basis of

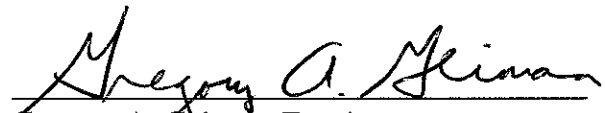
such investigation that it is not.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 19 DAY OF
JUNE, 2004.


Gina Alongi

CERTIFICATE OF SERVICE

This is to certify that a copy of the above Affidavit has been served by certified and first class mail upon the defendant MKM Site Development Corp. at 69 Milk Street, Suite #200, Westborough, MA 01581 this 24 day of June, 2004.


Gregory A. Geiman, Esquire